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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FOURTH SESSION

Report of Mr. Miguel Alfonso Martínez, Chairman of the Sub-Commission at its forty-fourth session, prepared in accordance with paragraph 14 of Commission on Human Rights resolution 1992/66 and Economic and Social Council decision 1992/238

CONTENTS

		Paragraphs	Page
INTRODUCTION		1 - 8	2
I.	ESTABLISHMENT, COMPOSITION AND RESULTS OF THE WORK OF THE INTER-SESSIONAL WORKING GROUP ON THE METHODS OF WORK OF THE SUB-COMMISSION	9 - 32	3
II.	CONSIDERATION BY THE SUB-COMMISSION OF THE PROPOSALS ON THE RATIONALIZATION OF ITS METHODS OF WORK SUBMITTED TO IT BY THE WORKING GROUP AND DECISIONS TAKEN IN THIS REGARD	33 - 70	6
	A. Preparation of studies	50 - 57	9
	B. Submission and adoption of resolutions and decisions	58 - 62	11
	C. Holding of meetings and allocation of speaking time	63 - 65	12
	D. Transitional arrangements	66	12
	E. Consideration of situations involving serious and large-scale violations of human rights in specific countries	67 - 70	12

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INTRODUCTION

1. In its resolution 1992/66 of 4 March 1992, entitled "Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", the Commission expressed its appreciation for the positive contribution made by the Sub-Commission to the work of the Commission in the promotion and protection of human rights. After noting with appreciation the intensified dialogue between the two bodies, the Commission, inter alia, took note of the steps taken so far by the Sub-Commission to rationalize and streamline its work and encouraged the Sub-Commission to continue and to finalize its discussions on the best way to improve the efficiency of the debate.

2. In the same resolution, the Commission endorsed the recommendation contained in Sub-Commission decision 1991/117 of 30 August 1991, calling for the establishment, on an exceptional basis, of an inter-sessional working group on the rationalization of the work and the agenda of the Sub-Commission. The Commission also recommended that the working group be composed of one representative of each regional group.

3. Also in this resolution, the Commission requested the inter-sessional working group to prepare a list of specific proposals in draft decision format, for examination by all the experts of the Sub-Commission and adoption by the Sub-Commission at its forty-fourth session, a list which took into consideration the proposals and recommendations studied by the Sub-Commission at its forty-third session.

4. The Commission further invited the inter-sessional working group to make recommendations to the Sub-Commission on various points, which were listed in paragraph 7, subparagraphs (a) to (f), of resolution 1992/66. The recommendations were to refer specifically to improvement of coordination between the two bodies and between the Sub-Commission and the other competent organs of the United Nations acting in the field of human rights; improvement of the Sub-Commission's working methods; the format, adoption and number of its resolutions; initiatives for the widest possible dissemination of the Sub-Commission's findings; rationalization of its agenda; and strengthening the independence of its experts.

5. With particular reference to the improvement of the Sub-Commission's working methods, the Commission, in paragraph 7 (c), detailed a wide range of issues to be addressed by the recommendations which the working group was invited to submit to the Sub-Commission. These questions included, inter alia, the allocation of speaking time among the experts, the designation of rapporteurs, the allocation of reports among the experts and the time-frame for the completion of studies and reports, as well as the question of the role of alternate members and the elaboration of a procedure to evaluate and monitor the implementation of the recommendations contained in the studies and reports.

6. Lastly, in paragraph 14 of resolution 1992/66, the Commission invited the Chairman of the Sub-Commission at its forty-fourth session to report to the Commission at its forty-ninth session on the implementation by the Sub-Commission of the initiatives recommended in that resolution.

7. At its 32nd plenary meeting, held on 20 July 1992, the Economic and Social Council adopted decision 1992/238, in which, at the recommendation of the Commission, the Council, inter alia, took note of resolution 1992/66, approved the endorsement of the inter-sessional working group by the Commission, and invited the Chairman of the Sub-Commission at its forty-fourth session to report to the Commission at its forty-ninth session on the implementation by the Sub-Commission of the initiatives recommended in Commission resolution 1992/66.

8. The Chairman of the Sub-Commission submits the present report to the consideration of the Commission on Human Rights in pursuance of the above-mentioned decisions of the Commission and the Council.

I. ESTABLISHMENT, COMPOSITION AND RESULTS OF THE WORK OF THE INTER-SESSIONAL WORKING GROUP ON THE METHODS OF WORK OF THE SUB-COMMISSION

9. In the report on its work which it submitted to the Sub-Commission (E/CN.4/Sub.2/1992/3 and Add.1), the Working Group stated that, after the customary consultations and on the basis of equitable geographical distribution, the Chairman of the forty-third session of the Sub-Commission, Mr. Louis Joinet, had designated the experts who would form part of the Working Group.

10. The Group's membership consisted of Mr. Joinet himself - who later was also elected Chairman of the Working Group - Mr. Fisseha Yimer, Mr. Leandro Despouy, Mr. Stanislav Chernichenko and Mr. Ribot Hatano. Mr. Yimer was elected Rapporteur of the Group.

11. The Group held a session of nine meetings at Geneva from 11 to 15 May 1992. The session was opened by Mr. Antoine Blanca, Under-Secretary-General for Human Rights. The results of the Group's work are set out in paragraphs 13 to 19 of the report that it submitted to the Sub-Commission in accordance with the provisions of paragraph 6 of resolution 1992/66.

12. On the basis of a provisional agenda proposed by the Chairman, and after an exchange of views on the recommendations made by the Commission concerning the agenda, the Group decided that its deliberations should concentrate on the following four issues:

(a) Rationalization of the methods of work of the Sub-Commission;

(b) Restructuring of the agenda of the Sub-Commission;

(c) Coordination with the Commission and other competent organs; and

(d) Independence of the experts.

The Group took decisions on these four issues, as well as on two other matters arising from resolution 1992/66. These decisions are analysed in the following paragraphs of the present report.

13. With regard to the question of rationalization of the methods of work of the Sub-Commission, the Group made concrete and detailed proposals. These took the form of specific guidelines contained in a draft resolution recommended to the Sub-Commission for adoption (E/CN.4/Sub.2/1992/3, para. 14). The Group's proposals on this matter, as set out in the draft resolution, were divided into four sections, relating specifically to preparation of studies ("rules" 1-7), submission and adoption of resolutions and decisions ("rules" 8-12), and holding of meetings and allocation of speaking time ("rules" 13-18), while the draft resolution also includes a "rule" 19 on transitional arrangements. A considerable number of the "rules" proposed by the Working Group were substantially modified by the Sub-Commission.

14. Because of the major significance of this aspect of the Group's work, the specifics of its principal proposals to the Sub-Commission on this matter will be described in detail in chapter III of the present report, in the light of the deliberations and decisions of the Sub-Commission at its forty-fourth session.

15. With regard to the restructuring of the agenda of the Sub-Commission, the Group drew the attention of the Sub-Commission to a detailed proposal presenting an alternative to the agenda that it has usually followed at its annual sessions (E/CN.4/Sub.2/1992/3, para. 15, proposal "A").

16. The Group's work on this question was focused essentially on a proposal submitted in 1991 by 29 non-governmental organizations (E/CN.4/Sub.2/1991/NGO/21). At the request of observers for Governments, the Group made a large number of amendments to the original text presented, which was also amended on the basis of specific proposals made by two of the Group's members, Mr. Hatano and Mr. Chernichenko. The Group informed the Sub-Commission that those amendments had been accepted by the organizations responsible for the initiative. The Group also drew the Sub-Commission's attention to its proposal for restructuring of the agenda, as amended in the light of its deliberations and decisions.

17. The Sub-Commission took no decision on this matter at its forty-fourth session.

18. With regard to the improvement of coordination between the Sub-Commission and the Commission on Human Rights and other competent organs of the United Nations in the field of human rights, the Group submitted three proposals to the Sub-Commission for consideration (E/CN.4/Sub.2/1992/3, para. 15, proposal "B").

19. These proposals relate, respectively, to the renewal of the by now traditional annual invitation to the current Chairman of the Commission to attend the sessions of the Sub-Commission, the possible participation of the Chairmen of the Sub-Commission and of other competent organs of the United Nations in the field of human rights in the annual post-sessional meeting of the Bureau of the Commission, and the strengthening of coordination between the Sub-Commission and the Commission on Crime Prevention and Criminal Justice. The Group took the view that its proposals in this respect should

not take the form of a draft decision for submission to the Sub-Commission, because of their "possible financial implications" "which involve decisions by the Commission on Human Rights, as well as the Economic and Social Council".

20. The Sub-Commission took no decision on this matter at its forty-fourth session.

21. With regard to the independence of the Sub-Commission experts, the Group decided to request its Chairman, Mr. Joinet, to forward to the Under-Secretary-General for Human Rights a memorandum on strengthening the independence of the Sub-Commission experts. The Chairman of the Group complied with this request, transmitting the memorandum concerned to Mr. Blanca (for the text, see E/CN.4/Sub.2/1992/3, para. 16, proposal "C").

22. The gist of this memorandum is its emphasis on the need for the United Nations to issue all members of the Sub-Commission with a document attesting to their status as "experts on mission" in order to avoid incidents jeopardizing their personal security and independence of action in the course of their travel on missions related to their duties and their annual stay in Geneva during the Sub-Commission's sessions.

23. Mr. Joinet's memorandum emphasized the importance of issuing such a document for the purpose of "giving effect" to the decision of the International Court of Justice of 15 December 1989, declaring the guarantees provided in article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations enjoyed by "experts on mission" to be applicable to the members of the Sub-Commission. The Working Group's memorandum concludes with an assurance of its full cooperation in reaching a satisfactory solution in view of the forty-fourth session of the Sub-Commission in August 1992.

24. Notwithstanding this initiative by the Group and the action taken by its Chairman, the Sub-Commission's session began without the United Nations certificate concerned having been issued to the experts.

25. On 13 August 1992, when the session was already well under way, a serious incident occurred at the Ferney-Voltaire border crossing between France and Switzerland. This incident demonstrated once again the urgent need for an appropriate document issued by the United Nations to provide adequate protection for the independence and physical security of the members of the Sub-Commission in the performance of their duties.

26. While coming from her temporary residence in Ferney to Geneva to attend the Sub-Commission meetings scheduled for that day, Mrs. Fatma Z. Ksentini, a Sub-Commission expert, was asked by the Swiss Customs authorities to step down from the vehicle in which she was travelling and made to wait for some time because of the alleged need to check her identity - this despite the fact that our colleague immediately presented not only her Algerian diplomatic passport, which was fully in order, but also the identification badge specifying her status as an expert which the Centre for Human Rights had given her for use on entering the United Nations European Office and inside. Mrs Ksentini justifiably described the incident as "humiliating".

27. The Sub-Commission expressed its utter repudiation of this incident. It requested the Chairman of its forty-fourth session to make immediate representations to the Under-Secretary-General for Human Rigths in order both to ensure that the Swiss authorities conducted a full investigation into the matter and presented the apologies that were due to Mrs. Ksentini after the way in which she had been treated, and to settle once and for all the question of the issue of the above-mentioned certificate.

28. In response to this request, the Chairman held two meetings with the Under-Secretary-General at which he voiced the Sub-Commission's serious concern over the repeated incidents of this kind and emphasized the urgent need to take the requisite administrative measures to avoid any recurrence in the future.

29. The Chairman is pleased to be able to inform the Commission that, by the end of the forty-fourth session, each and every one of the full and alternate members of the Sub-Commission who formally requested it from the Centre for Human Rights was already in possession of the relevant certificate. The Chairman also wishes to express his appreciation of the understanding shown by Mr. Blanca concerning this matter and the diligence with which Mr. Blanca acted to settle the question of issuing the document concerned.

30. The Group also considered two other matters. With regard to the publicity to be given to the work of the Sub-Commission (see resolution 1992/66, para. 7 (f)), after consulting the Centre for Human Rights, the Group recommended that every year an issue of the Fact Sheet published by the Centre should publicize the results of the Sub-Commission's annual session.

31. With regard to the question of arrangements concerning insurance which might be made available to the members of the Sub-Commission, the Group reiterated the interest in the matter already expressed by some experts in earlier years and requested the secretariat of the Centre to report on the question to the Sub-Commission at its forthcoming forty-fifth session.

32. The Sub-Commission did not take any decision on these two matters at its forty-fourth session.

II. CONSIDERATION BY THE SUB-COMMISSION OF THE PROPOSALS ON THE RATIONALIZATION OF ITS METHODS OF WORK SUBMITTED TO IT BY THE WORKING GROUP AND DECISIONS TAKEN IN THIS REGARD

33. The Sub-Commission examined jointly the report submitted for its consideration by the intersessional Working Group (E/CN.4/Sub.2/1992/3 and Add.1 and the various questions relating thereto, at its 2nd, 3rd, 18th, 19th, 31st, 32nd and 33rd plenary meetings, held on 4, 17, 18, 25 and 26 August 1992. In that regard, it adopted without a formal vote, resolution 1992/8 of 26 August 1992 (E/CN.4/1993/2 - E/CN.4/Sub.2/1992/58).

34. In compliance with Commission on Human Rights resolution 1992/66, paragraph 13, and Economic and Social Council decision 1992/238, the Sub-Commission at its 2nd plenary meeting decided to invite Mr. Par Solt (Hungary), Chairman of the forty-eighth session of the Commission, to report to the Sub-Commission on the debate under this item in the Commission.

35. Although he was in Geneva during part of the Sub-Commission's session, for reasons of work Mr. Solt was unable to perform that task personally and it was delegated to Ambassador Ronald Walker (Australia), one of the Vice-Chairmen of the Commission. Ambassador Walker addressed the Sub-Commission during the morning of 18 August 1992. The main points of his statement appear in paragraphs 1 to 3 of the summary record of the Sub-Commission's 20th meeting (E/CN.4/Sub.2/1992/SR.20).

36. From the very beginning of the forty-fourth session, it was clear to all the Sub-Commission's members that the question of its methods of work would necessarily be one of the agenda items to which it should attach the highest priority and devote the most careful attention.

37. Both the renewed interest in the issue demonstrated by the Commission as reflected in its usually lengthy and detailed requests to the Working Group in its resolution 1992/66, and the variety of the proposals it referred to the Working Group and their potential consequences made it essential to conduct an exhaustive and meticulous examination of this matter and especially the content of the report submitted for its consideration.

38. It was likewise obvious from the outset that various proposals recommended by the Working Group, in particular some of those regarding the preparation of studies and submission and adoption of resolutions and decisions, were considered prima facie, by a number of experts either as being incompatible with the independence they must have to discharge their duties or with the separation of functions between the Commission and the Sub-Commission or as constraints upon their freedom of initiative as Sub-Commission members.

39. Furthermore, both these and other experts considered that many of the "rules" included in the draft resolution recommended by the Group to the Sub-Commission for adoption were redundant (inter alia) because they reflected practices which had already been established for some years by the Sub-Commission) or were inconsistent with certain provisions of the rules of procedure of the functional commissions of the Economic and Social Council, which, broadly, govern the work of the Sub-Commission.

40. In the light of the above, and bearing in mind that the great majority of Sub-Commission members had only received the report of the Working Group on the day when the Sub-Commission began its work, the Chairman pointed out to the first meeting of the officers of the Sub-Commisson that it was necessary to consider the best way of undertaking the in-depth study and discussion called for by the proposals recommended by the Group in its report.

41. After a careful examination of the subject by the officers of the Sub-Commission, the majority held that the most appropriate way to examine those propoals satisfactorily was not to take them up in plenary meetings, but rather within a sessional working group established for the purpose. This

group, after an initial analysis of the "rules" proposed by the intersessional working group, and of any amendments thereto, would in turn put forward its views and suggestions on new formulations, which would be submitted to the full Sub-Commission for its consideration and a final decision. In that way, there would be full compliance with the stipulations of resolution 1992/66, paragraph 6, which provided that the "draft decision" in which the inter-sessional Working Group was to present its recommendations to the Sub-Commission should be "for examination by all the experts of the Sub-Commission".

42. Although this was the majority opinion among the officers of the Sub-Commission, the Chairman suggested that no specific proposal to that effect should be made to the full Sub-Commission, but rather that the issue should be raised and a debate held on the procedure to be followed in discussing that agenda item. The officers agreed to that suggestion.

43. During the initial debate on the subject at the Sub-Commission's 2nd meeting there were sharp differences of opinion as to the methodology to be followed. While various experts supported the idea of establishing a sessional working group, the majority of speakers opposed it, preferring to start considering directly, at plenary meetings, the proposals put forward by the inter-sessional Working Group and the many amendments to which they could obviously be expected to give rise.

44. In the end, in order to avoid a vote on this preliminary issue which would seriously divide the Sub-Commission from the very start of its consideration of the topic, a compromise solution was decided upon at the 3rd meeting on the Chairman's suggestion, whereby the Sub-Commission would consider item 3, "Review of the work of the Sub-Commission", including the proposals contained in the inter-sessional Working Group's report, in plenary leaving the taking of any other decision that might prove necessary until a later stage (E/CN.4/Sub.2/1992/SR.3. paras. 11 and 12).

45. In this connection, it should be emphasized that the debate in the plenary on the group's proposals regarding the rationalization of the Sub-Commission's methods of work was rather short. Understandably, only 5 of the 26 members of the Sub-Commission spoke on the content of those proposals within that framework.

46. This was because both the real debate and the essential process of reconciling the widely differing views of Sub-Commission members on many recommendations of the inter-sessional Working Group took place during many informal talks which the Chairman held with his colleages. These negotiations began shortly after the start of the debate on agenda item 3 (4 August) and concluded only minutes before the Sub-Commission adopted its resolution 1992/8 on 26 August.

47. The Chairman of the Sub-Commission feels bound to place on record the remarkable spirit of flexibility and conciliation shown by the Chairman of the inter-sessional Working Group, Mr. Joinet, in discharging the intricate task of resolving the considerable divisions of opinion in the Sub-Commission on this subject.

48. Through his initial efforts to that end - and those of the Rapporteur of the Group, Mr. Yimer - the Sub-Commission was presented on 18 August with a draft resolution (E/CN.4/Sub.2/1992/L.15) which substantially amended the one originally proposed by the Working Group in its report. Further amendments were put forward by five members of the Sub-Commission during the meeting at which the above-mentioned resolution 1992/8 was adopted; they were all accepted by Mr. Joinet and Mr. Yimer, the co-sponsors of draft resolution E/CN.4/Sub.2/1992/L.15.

49. In order to give the Commission the basic information with which to evaluate the fulfilment by the Sub-Commission of Commission resolution 1992/66 with specific reference to the rationalization of its methods of work, in the following paragraphs a summary is given of the main recommendations of the Working Group on the subject and of the Sub-Commission's decisions on those recommendations under its resolution 1992/8. It should be mentioned at the outset that the Sub-Commission decided to replace the expression "directrices" in the title of the Spanish text of the draft resolution recommended by the Working Group by the expression "principios rectores" and to refer to the numbered texts included in the draft resolution, which the Working Group had originally termed "rules", as "guidelines".

A. Preparation of studies (guidelines Nos. 1-7)

50. With respect to the number of studies to be undertaken by the Sub-Commission, the basic proposals of the Group on the subject can be summarized as follows:

(a) Except when the Commission has requested it directly, no new study may be submitted by the Sub-Commission for a decision by the Commission, unless a previously authorized study has been completed. When the number of studies proposed for a decision exceeds the number of studies completed, the members of the Sub-Commission should hold consultations in order to establish priorities. In draft resolution E/CN.4/Sub.2/1992/L.15, it was stated that such a measure should only be applied when the number of ongoing studies reached 20. The Sub-Commission considered that such a regulation should be applied when the number of studies reached 13 - in other words, a number similar to the one which has traditionally been budgeted for;

(b) According to the Group's text a study whose final conclusions had been approved by the competent authority would be considered to have been completed. The Sub-Commission considered that any study would be considered as completed once the final report of the study in question had been submitted to the Sub-Commission for consideration.

51. Regarding the document preliminary to the studies, the Group, adhering to the practice already followed by the Commission in recent years, recommended that no new study should be undertaken unless such a preparatory document had been submitted. It should take the form of a short working paper giving basic information about the proposal and indicating inter alia, the relevance, timeliness and object of the proposed new study, as well as a draft timetable for its completion. The Group also specified, in that regard, that upon authorization of the study by the higher authority, the person designated to carry out the study need not be the author of the preparatory document.

The Sub-Commission endorsed those recommendations and made them generally applicable both to studies proposed by the Sub-Commission itself and to those which it is requested directly to prepare by a higher authority. Regarding the latter, the Group provided that such a document would be elaborated only in exceptional circumstances.

52. In its recommendation on the duration of studies, the Group also adhered to the general practice followed so far by the Sub-Commission: namely, that of granting the special rapporteurs a period of three years to complete a study, during which it would appear annually in three phases, as a preliminary report, a progress report and a final report. The Sub-Commission adopted this proposal, but did not consider it necessary to call for a special debate by the Sub-Commission as had been recommended by the Group, if the special rapporteur considered, as a result of difficulties encountered by him, that he needed more time to complete his study. In the view of the Sub-Commission, such a debate should be held within the framework of the discussions on the relevant item of its agenda.

53. The Group had put forward a proposal concerning the appointment of rapporteurs and the role of alternates. It should be recalled that the role and powers of the alternate experts and other matters relating to them had been discussed by the Sub-Commission in recent years. In its proposal, the Group provided for the possibility of assigning studies to alternate experts. The Sub-Commission did not accept that suggestion, on which many members of the Sub-Commission expressed reservations, and deleted any reference to the subject in resolution 1992/8. On the other hand, it endorsed, the Group's proposal that as a rule the studies should be assigned to serving experts. In that connection, only by the express decision of the Sub-Commission may a rapporteur for an ongoing study who is no longer a member of the Sub-Commission be retained in his post of rapporteur for more than one year after the date on which his mandate expires.

54. Still on this very important subject, the Sub-Commission also approved the proposal by the Group that both the specialized knowledge of the members of the Sub-Commission and the need for equitable geographical distribution should be taken into account when appointing special rapporteurs. The reference in the Group's proposal to the possibility of appointing two rapporteurs for the same study as one way of achieving pluralism in the allocation of studies among serving experts was deleted from the text of resolution 1992/8. Lastly, it should be mentioned that the Sub-Commission deemed it necessary to include a reference to the desirability of Sub-Commission members holding consultations during each session on the topics of possible new studies and the appointment of experts to prepare them. The Rapporteur of the Sub-Commission was given the task of collecting such proposals and informing the Sub-Commission on the subject.

55. Regarding the appointment of commentators, the Sub-Commission did not accept the wording suggested by the Group, which left open the possibility that the Sub-Commission might appoint them without the agreement of the special rapporteur who is the author of the report in question. The draft was reworded by the Sub-Commission to make it absolutely clear that such appointments are the exclusive prerogative of the author of the report, if he deems them necessary. The Sub-Commission, on the other hand, accepted the

proposal by the Group that such appointments should in no way limit the right of any member of the Sub-Commission to comment on the report in question as he might see fit.

56. The Group recommended that the Sub-Commission should include an updated list of studies in its annual report to the Commission on its work, which would indicate the studies completed or ongoing and provide certain information on each of them. The Sub-Commission accepted this proposal, which reflects the practice followed in its annual reports to date.

57. Regarding the question of follow-up of studies, the Sub-Commission endorsed the proposal submitted by the Group, which specified the information to be provided by the secretariat to the Sub-Commission at each of its sessions, regarding various aspects of studies already authorized. The proposal covered, on the one hand, the information which traditionally appears in the annual report of the Sub-Commission to the Commission and, on the other, additional information such as the actual financial costs of the study and the follow-up given to the recommendations of the special rapporteur in question in respect of the measures adopted by the secretariat, Governments and international organizations.

B. Submission and adoption of resolutions and decisions (guidelines Nos. 8-12)

58. Regarding the number of resolutions and decisions, the Group recommended that the secretariat should provide, at each session of the Sub-Commission, a comparative statistical table for the previous three years showing the number of decisions and resolutions considered by category. The purpose of this table was to permit a better assessment of trends in that regard, and to promote self-discipline in order to reduce the number of resolutions and decisions. The Sub-Commission endorsed this proposal.

59. The Group also recommended that when, at a given session, the draft resolutions and decisions registered have reached the number of 25 (excluding those concerning the submission of studies), the Chairman, in a solemn declaration, should invite the experts to reduce the number of their drafts. The Sub-Commission did not accept this suggestion, because it might have the effect of restricting the presentation of proposals on the agenda items discussed in the final part of the session.

60. Regarding the number of co-sponsors of draft resolutions and decisions, the Sub-Commission decided to amend the wording proposed by the Group (which could be interpreted as requiring multiple co-sponsorship for each initiative), in order to maintain the right of each expert to submit his proposals without necessarily having to secure the co-sponsorship of other Sub-Commission members.

61. On the other hand, the Sub-Commission accepted the recommendation of the Group that the Chairman of each session should be authorized to initiate consultations with all the parties involved in the subject of any draft resolution or decision, with the object of inviting them to replace their proposal by a solemn and consensus declaration by the Chairman meeting their

approval, which would appear in extenso in the annual report of the Sub-Commission and in the relevant summary record.

62. Lastly, with respect to the deadline for the submission of draft resolutions or decisions, the Group recommended that such drafts should be submitted at least four working days before the date on which they were scheduled to be put to a vote, a deadline which should be set at six days in cases involving financial implications. The Sub-Commission amended that proposal, setting the deadlines at three and four days, respectively.

C. Holding of meetings and allocation of speaking time (guidelines Nos. 13-16)

63. The Group submitted a number of proposals to the Sub-Commission on the schedule of meetings, the order of statements, the list of speakers, speaking time and self-discipline in the use of speaking time by all the participants in its work. On the whole, these proposals systematically and expressly reproduced the practice followed by the Sub-Commission in recent years.

64. The Sub-Commission accepted virtually all of the proposals by the Group. However, as a matter of principle it amended the maximum speaking time (15 minutes) that it was proposed to allocate for each item to each expert who was a full member of the Sub-Commission. This time was almost the same as that recommended by the Group for Government observers (14 minutes) and less than that allocated to non-governmental observers (16 minutes). The Sub-Commission decided that its experts would be allocated 20 minutes for their statements on each agenda item, which could be divided into one or several statements. A maximum of 35 minutes would be allotted to special rapporteurs for the presentation of their reports and the formulation of their conclusions on the discussion of those reports, after completion of the debate on that subject.

65. In its report, the Group had recommended that a series of guidelines should be laid down for the participation of alternates (E/CN.4/Sub.2/1992/3, para. 14, "rule" 18). The Sub-Commission did not accept those guidelines.

D. Transitional arrangements (guideline No. 17)

66. The Group recommended that the various guidelines contained in the draft resolution which it submitted to the Sub-Commission for adoption should not take effect until its forty-fifth session. The proposal stipulated that they should not be applicable to rapporteurs appointed before its forty-fourth session. The Sub-Commission endorsed this proposal by the Group.

E. Consideration of situations involving serious and large-scale violations of human rights in specific countries

67. The Working Group addressed this issue at the beginning of its meetings, when discussing the content of the mandate given to it in paragraphs 6 and 7 of Commission resolution 1992/66. It concluded that the question of a possible global report on this type of situation (usually considered under agenda item 6), for transmission to the Commission each year in accordance

with the latter's resolution 8 (XXIII), was not among the topics which the Group had been instructed to examine.

68. Bearing in mind that the working paper drafted by one of its members, Mr. Chernichenko, entitled "Draft proposal on the methods of consideration in the Sub-Commission of violations of human rights" (E/CN.4/1992/3/Add.1) could not be discussed because of the constraints of its mandate, the Group decided to recommend to the Sub-Commission that it should renew the mandate of the sessional working group established by virtue of its decision 1989/104 and transmit the above-mentioned document by Mr. Chernichenko to that group for its consideration.

69. It is to be hoped that at the beginning of the forty-fifth session, the Sub-Commission will decide on this proposal by the Group, and that if the recommendation is adopted, the consideration of Mr. Chernichenko's paper will be included in the mandate of the working group.

70. Lastly, the Commission's attention is drawn to the fact that in paragraph 1 of its resolution 1992/8, the Sub-Commission decided to continue, at its forty-fifth session consideration of those aspects of its methods of work which have not yet been discussed.